

## **REMARKS**

### **1. The claims as amended fulfill the requirements of 35 U.S.C. §112.**

Claims 31-42, 57-60 and 63 stand rejected under 35 U.S.C. 112, second paragraph. Applicants understand that the grounds of rejection are predicated on the particularity with which certain claim language is used. The Examiner has helpfully suggested an amendment for claim 31 that would overcome this ground of rejection, for which Applicants are grateful. Having amended claim 31 according to the Examiner's suggestion, Applicants respectfully contend that this ground of rejection has been overcome and ask the Examiner to withdraw it.

With regard to rejections based on the relationship between the phased tetracycline operators and the TATA sequence, Applicants have amended claims 32, 33 and 34 to indicate that the recited distances relate to the position of the TATA sequence in the expression vector.

Claim 42 is deemed indefinite for reciting that the expression vector comprising more than one cyclin-dependent kinase inhibitor. The Action states that a gene encoding a cyclin-dependent kinase inhibitor does not support claim 42. Applicants note that the indefinite article "a" denotes "at least one" and is not limiting with regard to number. Thus, Applicants respectfully contend that claim 42 is definite ("more than one") and is not indefinite under 35 U.S.C. §112, second paragraph. Applicants respectfully request that this ground of rejection be withdrawn.

Claim 59 stands rejected under 35 U.S.C. §112, second paragraph. Applicants have amended the claim to overcome the asserted ground of rejection, and respectfully request that the Examiner withdraw these grounds of rejection in view of these amendments.

Claims 60 and 63 stand rejected under 35 U.S.C. §112, second paragraph for reciting a "method" without antecedent support. Applicants have amended these claims to recite "an expression vector," for which they respectfully contend there is explicit support. Applicants respectfully request that the Examiner withdraw these grounds of rejection in view of these amendments.

Claims 57-60 and 63 are rejected under 35 U.S.C. §112, first paragraph for failure to satisfy the written description requirement, characterized in the Action as being a "new matter"

rejection. The Action states that the specification as filed does not support a peptide encoding a multiplicity of Cy motifs. Applicants once again recite the explicit language of the specification: "in one embodiment of the invention multimeric repeats of Cy motifs controlled by an inducible system are used to provide multiple Cy inhibitory species in order to target CDK-cyclin activity." Respectfully, Applicants cannot understand how this explicit disclosure is deemed to be insufficient to support the pending claims, and respectfully request that this ground of rejection be withdrawn.

### **CONCLUSION**

Applicants respectfully submit that all requirements of patentability are fully met, and allowance of the claims is respectfully submitted.

If the Examiner believes it to be beneficial, he is invited to contact the undersigned attorney by telephone at (312) 913-0001.

Respectfully submitted,  
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